

Guidelines for Identifying Provisionally Accredited Levees (PALs)

Introduction

The Federal Emergency Management Agency (FEMA) issued Procedure Memorandum No. 34 (PM 34) on August 22, 2005, to provide interim guidance for processing studies/mapping projects for communities with levees and to define the roles of all FEMA contractors and mapping partners in meeting the regulatory requirements of the National Flood Insurance Program (NFIP) as cited at Title 44, Chapter 1, Section 65.10, of the Code of Federal Regulations, Section 65.10 (44 CFR Section 65.10). PM 34 reiterates that the community or other parties seeking recognition of a levee or levee system are responsible for providing information to demonstrate that the levee provides protection from the base (1-percent-annual-chance) flood. Therefore, when a study/mapping project is initiated under the Flood Map Modernization (Map Mod) program, FEMA will request that the community, levee owner, and/or local project sponsor to provide the data described in 44 CFR Section 65.10.

The requirement for complying with 44 CFR Section 65.10 is the responsibility of the community, levee owner, and/or local project sponsor, and they often find it difficult to provide the full documentation promptly. The lack of readily available data to comply with 44 CFR Section 65.10 has, in some cases, caused studies/ mapping projects to be delayed or placed on hold until the required information can be compiled and provided to FEMA.

Providing communities with up-to-date, accurate, and reliable flood hazard information on Digital Flood Insurance Rate Maps (DFIRMs) is one of the primary goals of Map Mod. Because levees are shown on the currently effective Flood Insurance Rate Maps (FIRMs) for over one-quarter of the counties being mapped under Map Mod, the issue of whether the levee provides 1-percent-annual-chance flood protection must be addressed. While 44 CFR Section 65.10 documentation is being compiled, the existing FIRMs remain in effect, showing the area behind the levee as protected from the 1-percent-annual-chance flood and potentially delaying the release of more up-to-date information for other parts of the community. As a result, communities would potentially be using outdated flood hazard information to regulate floodplain development. In addition, because the existing FIRMs are in effect, there may be no requirements for the purchase of flood insurance in areas that actually are floodprone. This guidelines document outlines five scenarios that will allow the mapping for selected studies/mapping projects for communities with levees to move forward before the full documentation required in 44 CFR Section 65.10 is available. With this process, the FEMA Regional Offices, FEMA contractors, and mapping partners can issue preliminary and effective DFIRMs while providing the communities and levee owners a specified timeframe for the submittal of the documentation necessary to show compliance with 44 CFR Section 65.10. In addition, for specific situations, the Regional Offices, contractors, and mapping partners can move forward with the study/mapping project until the point where the Letters of Final Determination would be issued, while communities and/or levee owners are given a specified timeframe to address maintenance deficiencies identified by the U.S. Army Corps of Engineers (USACE).

Complete guidelines can be found at: www.fema.gov